ORIGINAL

STACEY E. JAMES, Bar No. 185651
JUSTIN A. MORELLO, Bar No. 239250
LITTLER MENDELSON
A Professional Corporation
501 W. Broadway, Suite 900
San Diego, CA 92101.3577
Telephone: 619.232.0441

Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

FILED
2008 JUL -2 PM 12: 22
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. '08 CV 1174 W WMc **DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION** **[28 U.S.C. §§1332(A)(1), (C)(1), 1441(A), 1446(A), (B)]** Complaint Filed: November 20, 2007

TO THE CLERK OF THE ABOVE ENTITLED COURT, AND TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Service Solutions Group, LLC dba Barkers Food Machinery Service. ("Service Solutions"), for itself only, hereby removes the state action described herein, filed in the Superior Court of the State of California, County of San Diego, to the United States District Court for the Southern District of California, under 28 U.S.C. sections 1441 and 1446. Defendant will promptly file in said Superior Court its Notice to State Court and All Adverse Parties of Removal of Civil Action. A true and correct copy of the Notice to State Court and All Adverse Parties of Removal of Civil Action, without its accompanying exhibits is attached as Exhibit A. Declaration of Justin A. Morello in Support of Removal ("Morello Decl."), ¶ 2. This case is being removed based upon diversity of citizenship. The grounds for removal are as follows:

PROCEDURAL HISTORY

1. On November 20, 2007, Plaintiff filed this action entitled *Cindy King Feinstein v. Service Solutions Group, LLC, et al,* Case No. 37-2007-00082141-CU-OE-CTL in the Superior Court of the State of California, County of San Diego. Through her complaint, Plaintiff brought against her former employer, Service Solutions, dba Barkers Food Machinery Service and Frank Holding AG. On May 16, 2008, Frank Holding AG was dismissed from the case. Exhibit G. Service Solutions is the sole remaining Defendant. The complaint states claims against Service Solutions for: (1) employment law; (2) discrimination based on gender; (3) wrongful termination; (4) discriminatory discipline; and (5) sexual harassment hostile work environment violation of public policy. No factual allegations are contained in the complaint.

2. On June 2, 2008, Service Solution's counsel, Littler Mendelson, received Plaintiff's Summons and Complaint. A copy of the Service of Process Transmittal is attached as Exhibit B. Morello Decl., ¶ 3. A copy of the Summons and Complaint is attached as Exhibit C. A copy of the Notice of Case Assignment is attached as Exhibit D.

3. Service Solutions has not answered into the case.

///

///

LITTLER MENDELSON
A PROFESSIONAL CORPORATION
501 W. Broadway
Suite 900
San Diego, CA 92101 3577
619 232 0441

4. Copies of all remaining documents contained in the San Diego Superior Court's file for this matter as of June 30, 2008 are attached as Exhibits E through H. These documents include an order dismissing Frank Holding AG. Service Solutions is the sole remaining Defendant. Exhibit G.

TIMELINESS OF REMOVAL

5. Notice of removal must be filed within thirty days after the removing defendant receives the initial pleadings. 28 U.S.C. § 1446(b). On June 2, 2008, Service Solution's counsel, Littler Mendelson, received a copy of the Summons and Complaint filed by Plaintiff. On July 2, 2008, Service Solutions filed this Notice of Removal. Thus, Service Solutions filed its Notice of Removal within thirty days of receiving the initial pleadings.

6. This Notice to Federal Court of Removal of Civil Action is further timely because it is based on diversity jurisdiction and filed within one (1) year of the date the action was originally filed on November 20, 2007. 28 U.S.C. § 1446(b).

BASIS FOR REMOVAL

7. This action is a civil action which this Court has original jurisdiction over under 28 U.S.C. sections 1332(a)(1) and (c)(1) and is one which may be removed to this Court by Service Solutions under to the provisions of 28 U.S.C. sections 1441 (a) and 1446(b).

8. Diversity grounds for removal exist because complete diversity of citizenship exists between the parties and the amount in controversy exceeds $75,000.

A. Diversity of Citizenship

9. Plaintiff was, at the time of commencing this action, and still is, a citizen and resident of San Diego County, California. Plaintiff's Complaint, Exhibit C, p. 2, ¶ 1.

10. Service Solutions was, at the time of the filing of this action, and still is, a citizen of the State of Arizona and the State of Delaware, in that Service Solutions was and continues to be a corporation incorporated under the laws of the State of Delaware, having its principal place of business in the State of Arizona. 28 U.S.C. §§1332(a)(1), (c)(1), 1441(b); Declaration of Nancy Harris in Support of Removal ("Harris Decl."), ¶ 2.

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11. According to the State Court's minute order of May 16, 2008, Frank Holding AG has been dismissed. Exhibit G. Service Solutions is the sole remaining Defendant.

12. Defendant designated as DOES 1 to 20 are fictitious defendants, are not parties to this action, have not been served and are to be disregarded for the purpose of this removal. 28 U.S.C. § 1441(a). *See McCabe v. General Foods Corp.*, 811 F. 2d 1336, 1339 (9th Cir. 1987). The Doe defendants, therefore, need not consent to this removal.

B. Amount in Controversy

13. The amount in controversy exceeds the sum of $75,000.00, exclusive of interest and costs. Although the Complaint does not state a specific dollar amount of damages that Plaintiff seeks, Defendant need only establish by a preponderance of evidence that Plaintiff's claims exceed the jurisdictional minimum. *See, Valdez v. Allstate Insurance Co.*, 372 F.3d 1115, 1117 (9th Cir. 2004); *Sanchez v. Monumental Life Ins. Co.*, 95 F.3d 856, 860-861 (9th Cir. 1996). Defendant meets its burden as set forth below.

14. Through her Complaint, Plaintiff alleged claims for: (1) employment law; (2) discrimination based on gender; (3) wrongful termination; (4) discriminatory discipline; and (5) sexual harassment hostile work environment violation of public policy.

15. Plaintiff seeks to recover monetary, non-monetary and punitive damages. Complaint, p. 1. Plaintiff also seeks, interest according to proof and attorney's fees. Complaint p. 3.

16. While Plaintiff does not state the total amount she seeks to recover, she does state that the amount in controversy exceeds $25,000. Complaint, p. 2.

17. Plaintiff seeks to recover attorney's fees and costs. Attorney's fees are appropriately included in the amount in controversy for purposes of removal. *See Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998). It is proper to include both the amount of attorney's fees incurred at the time of removal and all reasonably anticipated future fees. *See Simmons*, 209 F. Supp. 2d at 1034 (N.D. Cal. 2002) ("[Attorney's] fees necessarily accrue until the action is resolved. Thus, the Ninth Circuit must have anticipated that district courts would project fees beyond removal .... [t]he measure of fees should be the amount that can be anticipated at the time of removal."). Plaintiff's attorney's fees for this case will exceed $75,000. *See*, Complaint p. 3

LITTLER MENDELSON
A PROFESSIONAL CORPORATION
501 W. Broadway
Suite 900
San Diego, CA 92101 3577
619 232.0441

(seeking attorney's fees at a rate of $630 per hour); *Weeks v. Baker & McKenzie*, 63 Cal. App. 4th 1128, 1150, 1151 (1998) (plaintiff was awarded $1,847,437.86 in attorney fees); *Lopez v. City of San Diego*, Case No. GIC 779369 (Cal. Sup. Ct. January 2, 2003) (court granted directed verdict for plaintiff in FEHA discrimination case and awarded plaintiff $86,820 in attorneys' fees); *Czarnik v. Ilumina*, Case No. 763972 (Cal. Sup. Ct. July 16, 2002) (plaintiff awarded $325,000 in attorneys fees from court in case involving claims of discrimination and retaliatory termination); *Hackmon v. City of Los Angeles*, Case No. BC 189-148 (Cal. Sup. Ct. November 30, 2001) (plaintiff awarded attorneys' fees of $114,583 in discrimination case).

18. Plaintiff also seeks to recover punitive damages. *See* Cal. Civ. Code § 3294. When punitive damages are sought, Defendant may introduce, and this Court should consider, other jury verdicts when calculating the amount in controversy. *See Simmons*, 209 F. Supp. 2d at 1033; *see also Conrad Associates v. Hartford Accident & Indemnity Co.*, 944 F. Supp. 1196, 198 (N.D. Cal. 1998) ("A defendant can introduce other jury verdicts to bolster its claim that potential punitive damages would raise the amount in controversy to over $75,000....."). If Plaintiff were to prove the allegations in her Complaint and prevail at trial, her punitive damages would alone establish the minimum jurisdictional threshold. Jury verdicts in employment cases with analogous pleaded causes of action show that the amount in controversy in this action exceeds the $75,000 jurisdictional minimum. *See, e.g. Pavon v. Swift Transportation Co.*, 192 F.3d 902, 909 (9th Cir. 1999) (affirming $300,000 punitive damage award for discrimination claim and wrongful termination of employee); *Zhang v. Am. Gem Seafoods*, 339 F.3d 1020, 1044, 1039-45 (9th Cir. 2003) (affirming verdict of $300,000 in compensatory damages and $2.6 million in punitive damages); *Roby v. McKesson HBOC*, 2004 WL 1385971 (Cal. Super. May 03, 2004). (jury award to plaintiff of $15 million in punitive damages against company defendant in a disability discrimination and wrongful termination case); *Allred v. Unihealth Corp.*, 1997 WL 875080 (Cal. Super. January 25, 2002) (jury award to plaintiff of $750,000 in punitive damages in discrimination case); *Brown v. LNP Engineering Plastics, Inc.*, 1997 WL 828516 (Cal. Super. Ct. June 30, 1997) (jury award of $667,000 in punitive damages for discrimination and failure to accommodate claims).

LITTLER MENDELSON
A PROFESSIONAL CORPORATION
501 W. Broadway
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San Diego, CA 92101 3577
619 232 0441

19. Thus, the preponderance of the evidence shows that, based on Plaintiff's alleged causes of action and claims for damages, the amount in controversy threshold of $75,000 is met. Accordingly, removal is proper. *See, Valdez v. Allstate Insurance Co.*, 372 F.3d 1115, 1117 (9th Cir. 2004); *Sanchez v. Monumental Life Ins. Co.*, 95 F.3d 856, 860-861 (9th Cir. 1996).

C. Venue and Bond

20. Venue is proper in this Court in that this is the Court of the District embracing the place where the action is pending in state court. 28 U.S.C. §1441(a).

21. No bond is required for removal. 28 U.S.C. §1446(d); *Rezendes v. Dow Corning Corp.*, 717 F. Supp. 1435, 1438 n.2 (E.D. Cal. 1989).

22. Contemporaneously with the filing of this Notice To Federal Court Of Removal Of Civil Action, a true and correct copy of this notice will be filed with the Clerk of the Superior Court for the State of California, County of San Diego and notice of the removal will be provided to counsel for Plaintiff in accordance with 28 U.S.C. section 1446(d).

Defendant Service Solutions therefore removes the civil action filed against it in the State of California Superior Court, County of San Diego to the United States District Court, Southern District of California.

Dated: July 2, 2008

Respectfully submitted,

STACEY E. JAMES
JUSTIN A. MORELLO
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

Firmwide:85686475.1 046687.1149

PROOF OF SERVICE BY PERSONAL DELIVERY

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 121 Broadway, Suite 331, San Diego, CA 92101. On July 2, 2008, I personally served:

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION

DECLARATION OF JUSTIN A. MORELLO IN SUPPORT OF NOTICE TO FEDERAL COURT OF DEFENDANT SERVICE SOLUTIONS GROUP LLC'S REMOVAL OF CIVIL ACTION

DECLARATION OF NANCY J. HARRIS IN SUPPORT OF NOTICE TO FEDERAL COURT OF DEFENDANT SERVICE SOLUTIONS GROUP LLC'S REMOVAL OF CIVIL ACTION

CIVIL CASE COVER SHEET

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF PARTY WITH FINANCIAL INTEREST

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF RELATED CASES

by delivering copies thereof to:

BY HAND DELIVERY Attorney for Plaintiff

Mary Elizabeth Bullock
3955 Faircross Place, #73
San Diego, CA 92115
619.677.4066 phone
619.727.4907 fax

By leaving with, marta Fitch, Roommate

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 2, 2008, at San Diego, California.

[signature]
NATIONWIDE LEGAL, INC.

EXHIBIT A

STACEY E. JAMES, Bar No. 185651
JUSTIN A. MORELLO, Bar No. 239250
LITTLER MENDELSON
A Professional Corporation
501 W. Broadway, Suite 900
San Diego, CA 92101.3577
Telephone: 619.232.0441
Fax No.: 619.232.4302

Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. 37-2007-00082141-CU-OE-CTL **DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE TO STATE COURT AND ALL ADVERSE PARTIES OF REMOVAL OF CIVIL ACTION** Complaint Filed: November 20, 2007

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant SERVICE SOLUTIONS GROUP LLC is contemporaneously filing a Notice to Federal Court of Removal of Civil Action in the United States District Court for the Southern District of California on July 2, 2008. A copy of said Notice without its accompanying exhibits, which consist of a copy of this Notice and a copy of all pleadings filed with this Court in the State proceedings, is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that under 28 U.S.C. sections 1441 and 1446, the filing of said Notice to Federal Court in the United States District Court, together with the filing of this Notice to State Court and a copy of said Notice to Federal Court, effects the removal of the above-captioned action from this Court to the United States District Court for the Southern District of California, and this Court may proceed no further unless and until the case is remanded.

Dated: July 2, 2008

Respectfully submitted,

STACEY E. JAMES
JUSTIN A. MORELLO
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

Firmwide:85686106.1 046687.1149

LITTLER MENDELSON
A Professional Corporation
501 W Broadway
Suite 900
San Diego CA 92101 3577
619 232 0441

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
MARY ELIZABETH BULLOCK, SBN 153212 3955 FAIRCROSS PLACE, # 73 SAN DIEGO, CA 92115 TELEPHONE NO. (Optional): 619 677-4066 FAX NO. (Optional): 619 727-4907 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CINDY KING FEINSTEIN	FILED Clerk of the Superior Court JUN - 2 2008 By: C. BANKS, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO ☒ HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 ☐ RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649	
PLAINTIFF(S) CINDY KING FEINSTEIN	JUDGE: RONALD S. PRAGER
DEFENDANT(S) SERVICE SOLUTIONS GROUP LLC, et al.	DEPT: C-71
CERTIFICATE OF SERVICE **(San Diego Superior Court Rules, Division II, Rule 2.5)**	CASE NUMBER 37-2007-00082141-CU-OE-CTL

VIA FAX

I certify under penalty of perjury under the laws of the State of California that all defendants named in the complaint of the above-entitled case have either made a general appearance or have been properly and timely served in compliance with San Diego Superior Court Rules, Division II, Rule 2.5.

Date: JUNE 2, 2008

Mary E. Bullock (signature)
Signature

MARY ELIZABETH BULLOCK, SBN 153212
Typed or printed name

NOTES:

If service cannot be effected on all defendants within 60 days of filing the complaint, DO NOT USE THIS CERTIFICATE, but file the form CERTIFICATE OF PROGRESS (SDSC CIV-144) stating the reasons why service has not been effected on all parties and what is being done to effect service.

THE FILING OF A GENERAL APPEARANCE BY A DEFENDANT DOES NOT DISPENSE WITH THE PLAINTIFF'S OBLIGATION TO FILE THIS DOCUMENT.

( )

MARY ELIZABETH BULLOCK
3955 FAIRCROSS PLACE, APT #73
SAN DIEGO CA 92115
619-727-4906

Ref. No. : 0415209-02
Atty. File No. : 37200700082141

F I L E D
Clerk of the Superior Court

JUN - 2 2008

By: C. BANKS, Deputy

VIA FAX

SUPERIOR COURT OF CA. COUNTY OF SAN DIEGO
SAN DIEGO JUDICIAL DISTRICT

PLAINTIFF : CINDY KING FEINSTEIN
DEFENDANT : BARKERS FOOD MACHINERY SERVICE, et al.

Case No.: 37-2007-00082141-CU-OE-CTL
PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE OF CASE ASSIGNMENT;

3. a. Party served : SERVICE SOLUTIONS GROUP LLC
AUTHORIZED AGENT FOR SERVICE: STACEY E. JAMES, ESQ.
b. Person served : LINDSAY DURINGER, RECEPTIONIST
(PERSON APPARENTLY IN CHARGE OF OFFICE)

4. Address where the party was served 501 WEST BROADWAY SUITE 900
SAN DIEGO, CA 92101 (Business)

5. I served the party
b. **by substituted service.** On June 2, 2008 at 10:55 AM I left the documents listed in item 2 with or in the presence of LINDSAY DURINGER, RECEPTIONIST, PERSON APPARENTLY IN CHARGE OF OFFICE
(1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
(4) a **declaration of mailing** is attached.
(5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

6. The "Notice to the person served" (on the summons) was completed as follows:
c. on behalf of: SERVICE SOLUTIONS GROUP LLC
AUTHORIZED AGENT FOR SERVICE: STACEY E. JAMES, ESQ.
under [xx] CCP 416.10 (corporation)

7. **Person who served papers**
a. MARK FINK
b. KNOX ATTORNEY SERVICE, INC.
2250 Fourth Avenue
San Diego, California 92101
c. 619-233-9700

d. Fee for service: $133.50
e. I am:
(3) a registered California process server
(i) an employee
(ii) Registration No. 1289
(iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 2, 2008

Signature: ______________________
MARK FINK

Jud. Coun. form, rule 2.150 CRC
JC Form POS 010 (Rev. January 1, 2007)

PROOF OF SERVICE

MARY ELIZABETH BULLOCK
3955 FAIRCROSS PLACE, APT #73
SAN DIEGO CA 92115
619-727-4906

Ref. No. : 0415209-02
Atty. File No. : 37200700082141

FILED
Clerk of the Superior Court

JUN - 2 2008

By: C. BANKS, Deputy

SUPERIOR COURT OF CA. COUNTY OF SAN DIEGO
SAN DIEGO JUDICIAL DISTRICT

PLAINTIFF : CINDY KING FEINSTEIN
DEFENDANT : BARKERS FOOD MACHINERY SERVICE, et al.

Case No.: 37-2007-00082141-CU-OE-CTL
DECLARATION REGARDING DILIGENCE

I received the within process on 05/30/08. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

VIA FAX

Party served SERVICE SOLUTIONS GROUP LLC
AUTHORIZED AGENT FOR SERVICE: STACEY E. JAMES, ESQ.

Business : 501 WEST BROADWAY SUITE 900, SAN DIEGO CA 92101

Attempts to effect service are as follows:

06/02/08 10:55A Attempted service-effected substitute service by serving: Lindsay Duringer, Receptionist
06/02/08 11:00A Documents mailed to complete service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 2, 2008

Signature: ______________________
MARK FINK

Jud. Coun. form, rule 2.150 CRC

DECLARATION RE DILIGENCE

MARY ELIZABETH BULLOCK
3955 FAIRCROSS PLACE, APT #73
SAN DIEGO CA 92115
619-727-4906

Ref. No. : 0415209-02
Atty. File No. : 37200700082141

F I L E D
Clerk of the Superior Court

JUN - 2 2008

By: C. BANKS, Deputy

SUPERIOR COURT OF CA. COUNTY OF SAN DIEGO
SAN DIEGO JUDICIAL DISTRICT

PLAINTIFF : CINDY KING FEINSTEIN
DEFENDANT : BARKERS FOOD MACHINERY SERVICE, et al.

Case No.: 37-2007-00082141-CU-OE-CTL
DECLARATION OF MAILING

VIA FAX

RE: SERVICE SOLUTIONS GROUP LLC
AUTHORIZED AGENT FOR SERVICE: STACEY E. JAMES, ESQ.

I am a citizen of the United States and am employed in the County of SAN DIEGO, State of California. I am over 18 years of age and not a party to this action. My business address is
2250 FOURTH AVENUE, SAN DIEGO CA 92101

On June 2, 2008 I served the within documents:

SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE OF CASE ASSIGNMENT;

On the party in said action, by mailing a true copy thereof (by first-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

SERVICE SOLUTIONS GROUP LLC
AUTHORIZED AGENT FOR SERVICE: STACEY E. JAMES, ESQ.
501 WEST BROADWAY SUITE 900
SAN DIEGO, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 2, 2008 at SAN DIEGO, California.

Signature: Jerelyn M. Nagler
JERELYN M. NAGLER

DECLARATION OF MAILING

EXHIBIT C

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CENTRAL DIVISION

2008 MAY 30 PM 2:02

SAN DIEGO COUNTY, CA

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CINDY KING FEINSTEIN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
330 WEST BROADWAY
SAN DIEGO, CA 92101

CASE NUMBER: *(Número del Caso):* 37-2007-00082141-CU-OE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
MARY ELIZABETH BULLOCK, SBN 153212
3955 FAIRCROSS PLACE, #73, SAN DIEGO, CA 92115 TEL:619-677-4066 FAX:619-727-4907

DATE: *(Fecha)* MAY 30 2008 Clerk, by *(Secretario)* C. BOYLE, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL] SUPERIOR COURT · SAN DIEGO COUNTY · CA

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. January 1, 2004]

SUMMONS

Code of Civil Procedure §§ 412.20, 465

American LegalNet, Inc. www.USCourtForms.com

NOV 20,2007 12:04 000-000-00000 page 3
Nov 20 2007 10:31AM LASERJET FAX p.1

FILED
CIVIL BUSINESS OFFICE 8
CENTRAL DIVISION

07 NOV 20 PM 3:35

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Mary Elizabeth Bullock SBN 153212
3955 Fairways Place, #73
San Diego, California
TELEPHONE NO.: (619) 677-4064 FAX NO. (Optional): (619) 727-4907
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): Cindy King Feinstein

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 330 Broadway Street
MAILING ADDRESS: San Diego, CA 92101
CITY AND ZIP CODE:
BRANCH NAME: Superior Court

PLAINTIFF: Cindy King Feinstein

DEFENDANT: Service Solutions Group, LLC, Barkers Food Machinery Service, Franke Holding AG

☐ DOES 1 TO 25

CONTRACT

☒ COMPLAINT ☐ AMENDED COMPLAINT (Number):

☐ CROSS-COMPLAINT ☐ AMENDED CROSS-COMPLAINT (Number):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE
Amount demanded ☐ does not exceed $10,000
☐ exceeds $10,000 but does not exceed $25,000

☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)

☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint
☐ from limited to unlimited
☐ from unlimited to limited

CASE NUMBER:

37-2007-00082141-CU-OE-CTL

VIA FAX

1. Plaintiff* (name or names): Cindy King Feinstein
851 B Avenue
Coronado, California 92118

alleges causes of action against defendant* (name or names):
Service Solutions Group, LLC dba Barkers Food Machinery Service
Franke Holding AG

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. a. Each plaintiff named above is a competent adult
☐ except plaintiff (name):
(1) ☐ a corporation qualified to do business in California
(2) ☐ an unincorporated entity (describe):
(3) ☐ other (specify):

b. ☐ Plaintiff (name): Cindy King Feinstein, an individual
a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):

b. ☐ has complied with all licensing requirements as a licensed (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person
☒ except defendant (name): Barkers Food Machinery Service, Service Solutions Group
(1) ☒ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

☒ except defendant (name): Franke Holding AG
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Form Approved for Optional Use
Judicial Council of California
PLD-C-001 [Rev. January 1, 2007]

COMPLAINT—Contract

Code of Civil Procedure, § 425.12

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NOV 20,2007 11:22

PLD-C-001

SHORT TITLE:	CASE NUMBER:
[illegible] v Service Solutions Group, LLC et al	

4. *(Continued)*
   b. The true names of defendants sued as Does are unknown to plaintiff.
      (1) ☒ Doe defendants *(specify Doe numbers)*: 1-25 were the agents or employees of the named defendants and acted within the scope of that agency or employment.
      (2) ☒ Doe defendants *(specify Doe numbers)*: 1-25 are persons whose capacities are unknown to plaintiff.
   c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.
   d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are *(names)*:

5. ☐ Plaintiff is required to comply with a claims statute, and
   a. ☒ has complied with applicable claims statutes, or
   b. ☐ is excused from complying because *(specify)*:

6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.
7. This court is the proper court because
   a. ☐ a defendant entered into the contract here.
   b. ☐ a defendant lived here when the contract was entered into.
   c. ☐ a defendant lives here now.
   d. ☐ the contract was to be performed here.
   e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.
   f. ☐ real property that is the subject of this action is located here.
   g. ☒ other *(specify)*: Plaintiff and Defendant live here or have a Branch office here in San Diego City
8. The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*:
   ☐ Breach of Contract
   ☐ Common Counts
   ☒ Other *(specify)*: Employment law, discrimination based on Gender, Wrongful termination, discriminatory discipline, Sexual harassment
9. ☐ Other allegations: hostile work environment Violation of public policy

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
   a. ☒ damages of: $
   b. ☒ interest on the damages
      (1) ☒ according to proof
      (2) ☒ at the rate of *(specify)*: percent per year from *(date)*:
   c. ☐ attorney's fees
      (1) ☒ of: $650/hr
      (2) ☒ according to proof.
   d. ☐ other *(specify)*:

11. ☐ The paragraphs of this pleading alleged on information and belief are as follows *(specify paragraph numbers)*:

Date: November 20, 2007

Mary Elizabeth Bullock
(TYPE OR PRINT NAME)

Mary E. Bullock
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6144	
PLAINTIFF(S) / PETITIONER(S): Cindy King Feinstein	
DEFENDANT(S) / RESPONDENT(S): Service Solutions Group LLC et.al.	
FEINSTEIN VS. SERVICE SOLUTIONS GROUP LLC	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2007-00082141-CU-OE-CTL

Judge: Ronald S. Prager Department: C-71

COMPLAINT/PETITION FILED: 11/20/2007

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

EXHIBIT E

NOV 20,2007 12:04 000-000-00000 page 2
Nov 20 2007 10:31AM LASERJET FAX p.3

FILED
CIVIL BUSINESS OFFICE 8
CENTRAL DIVISION

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mary Elizabeth Bullock SBN 153212
3955 Fairgrove Place #73
San Diego, Calif 92115
TELEPHONE NO.: (619) 277-4066 FAX NO.: (619) 727-4981
ATTORNEY FOR (Name): Cindy King Fernandez

FOR COURT USE ONLY

07 NOV 20 PM 3:35
CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego 92101
BRANCH NAME: Superior Court

CASE NAME: Cindy King Fernandez v Stone Tractors Food Machinery Service, Frank Holdings, Sunbelt... LLC

CASE NUMBER: 37-2007-00082141-CU-OE-CTL

JUDGE:

DEPT:

CIVIL CASE COVER SHEET Does 1-25

☑ Unlimited (Amount demanded exceeds $25,000) ☐ Limited (Amount demanded is $25,000 or less)

Complex Case Designation
☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment
☑ Wrongful termination (36)
☑ Other employment (15)

Contract
☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property
☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer
☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review
☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
☐ RICO (27)
☐ Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition
☐ Partnership and corporate governance (21)
☐ Other petition (*not specified above*) (43)

2. This case ☐ is ☑ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. ☐ Large number of separately represented parties
   b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. ☐ Substantial amount of documentary evidence
   d. ☐ Large number of witnesses
   e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (*check all that apply*): a. ☑ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☑ punitive
4. Number of causes of action (*specify*): 4
5. This case ☐ is ☑ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date:
Mary Elizabeth Bullock
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

VIA FAX

NOV 20,2007 11:23

EXHIBIT F

Superior Court of California **County of San Diego** **SIGN-IN SHEET**	Calendar No. ~~35~~ 33 Court Use Only

CASE: 37-2007-00082141-CU-OE-CTL - Cindy King Feinstein vs. Service Solutions Group LLC

EVENT TYPE: OSC - Failure to File Certificate of Service **EVENT DATE/TIME:** 05/16/2008 1:15 pm

DEPARTMENT: C-71 **JUDGE:** Ronald S. Prager

ATTORNEY/PARTICIPANT NAME	CLIENT NAME	SIGNATURE
Bullock, Mary Elizabeth	Feinstein, Cindy King [PLN]	Mary Elizabeth Bullock
Frank Holding AG	[DFN]	
Service Solutions Group LLC	[DFN]	

PERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

Date: 05/16/2008 Time: 01:15:00 PM Dept: C-71
Judicial Officer Presiding: Judge Ronald S. Prager
Clerk: Clara Banks

Bailiff/Court Attendant: L. Wilks
ERM:

Case Init. Date: 11/20/2007

Case No: 37-2007-00082141-CU-OE-CTL Case Title: Feinstein vs. Service Solutions Group LLC

Case Category: Civil - Unlimited Case Type: Other employment

Event Type: OSC - Failure to File Certificate of Service

Appearances:

Mary Elizabeth Bullock is present for Cindy King Feinstein

Certificate of Service must be filed by 6/16/08. No sanctions.

Other defendants are dismissed. Sole remaining defent is Service Solutions Group, LLC.

EXHIBIT H

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 685-6144

PLAINTIFF(S) / PETITIONER(S): Cindy King Feinstein

DEFENDANT(S) / RESPONDENT(S): Service Solutions Group LLC et.al.

FEINSTEIN VS. SERVICE SOLUTIONS GROUP LLC

NOTICE OF HEARING	CASE NUMBER: 37-2007-00082141-CU-OE-CTL

Notice is given that the above-entitled case has been set for the reason listed below and at the location shown above. All inquiries regarding this notice should be referred to the court listed above.

TYPE OF HEARING	DATE	TIME	DEPT	JUDGE
OSC - Failure to File Certificate of Service	05/16/2008	01:15 pm	C-71	Ronald S. Prager

The hearing will be cancelled if BOTH of the following occur 10 days prior to the hearing date: 1) File the above document; and 2) Stipulate to and pay a sanction in the amount of $50, payable to "San Diego Superior Court", WITH A COPY OF THIS NOTICE, in the IC department to which the case is assigned. If you are unable to comply with one or both of the above requirements, appearance at the hearing is mandatory. If more court time is required, additional sanctions may be imposed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO Central 330 West Broadway San Diego, CA 92101	
SHORT TITLE: Feinstein vs. Service Solutions Group LLC	
CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: **37-2007-00082141-CU-OE-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the NOTICE OF HEARING was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/04/2008.

Clerk of the Court, by: D. Hernandez, Deputy
D. Hernandez

Mary Elizabeth Bullock
3955 Faircross Place #73
San Diego, CA 92115

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CINDY KING FEINSTEIN

DEFENDANTS

SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25

FILED 2008 JUL -2 PM 12:22

(b) County of Residence of First Listed Plaintiff ______
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Scottsdale, Arizona
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Mary Elizabeth Bullock, SBN 153212
3955 Faircross Place, #73
San Diego, CA 92115
619-677-4066 phone

Attorneys (If Known)
Stacey E. James, SBN 184651
Justin A. Morello, SBN 239250
Littler Mendelson, PC
501 W. Broadway, Suite 900, San Diego, CA 92101, 619-232-0441

'08 CV 1174 W WMc

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury— Med. Malpractice
- ☐ 365 Personal Injury — Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☒ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus – Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity):**
Diversity; 28 U.S.C. sections 1332, 1441, and 1446

Brief description of cause:
Employment law, discrimination based on gender, wrongful termination, discriminatory discipline, sexual harassment hostile work environment violation of public policy

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23 **DEMAND $**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE
July 2, 2008

SIGNATURE OF ATTORNEY OF RECORD
Justin A. Morello

FOR OFFICE USE ONLY

RECEIPT # 152543 AMOUNT $350 APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

TAC 7/2/08

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UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

152543 - TC

July 02, 2008
12:15:46

Civ Fil Non-Pris
USAO #.: 08CV~~1124~~ 1174
Judge..: THOMAS J WHELAN
Amount.: $350.00 CK
Check#.: BC351788

Total-> $350.00

FROM: CINDY KING FEINSTEIN
VS
SERVICE SOLUTIONS GROUP, ET AL